

## **REMARKS**

In the previous Office Action, claims 22-32 are rejected, and claim 33 is withdrawn from consideration as being directed to the non-elected invention. In response, claims 22-25, 27, 28 and 32 are amended, and new claims 34-46 are added. Thus, the pending claims in this application are claims 22-46, with claims 22 and 42 being independent. In view of these amendments and the following comments, reconsideration and allowance are requested.

In the Action, the application is restricted to claim 24 which is directed to a process of removing a section of the cover of the raceway or claim 33 which is directed to snap fitting the first cover fitting onto the ends of the first and second raceways. The basis of the restriction is unclear. The Action states that claim 24 and claim 33 are related as subcombinations disclosed as being usable together in a single combination. However, claim 24 and claim 33 are both dependent from independent claim 22. Furthermore, the process step of claims 24 and 33 are not mutually exclusive and the process steps can be carried out in the same process to assemble the raceway. For example, claim 24 depends from claim 22 to recite removing a cover section from the raceways and coupling the cover fittings onto the respective raceways. Claim 33 recites the step of snap fitting the cover fittings onto the raceways. Therefore, it is unclear how claims 24 and 33 define distinct inventions that necessitate restriction in this application. Furthermore, claim 33 is indicated as being independent or distinct from the originally claimed invention. Independent claim 22 recites coupling the first and second cover fittings to the ends of the raceways. Claim 33 recites snap fitting the first and second cover fittings to the raceways. Thus, claim 33 further limits claim 22 and is not an independent or distinct invention that requires restriction in this application. Accordingly, Applicants request the restriction be withdrawn.

### **Rejections Under 35 U.S.C. § 102**

Claims 22, 23, 26-29, 31 and 32 are rejected as being anticipated by U.S. Patent No. 5,057,981 to Bowen et al. under 35 U.S.C. § 102(b). Bowen et al. is cited as allegedly disclosing each of the claimed steps for connecting raceways.

As amended, claim 22 recites the method of connecting raceways by joining the first ends of the first and second raceways to form a miter joint at the first junction area where the first junction area has an open side and coupling the first cover fitting over the open side of the first junction area so that the first cover fitting engages the first ends of the first and second raceways. Claim 22 is also amended to recite joining the first ends of the third and fourth raceways to a curved base portion where the curved base portion and the second junction area have an open side, and thereafter coupling the second fitting over the open side of the base and the second junction area and where the second cover fitting engages the first ends of the third and fourth raceways.

The lighting strip of Bowen et al. does not disclose or suggest the claimed method. For example, Bowen et al. does not disclose coupling the raceways to form a miter joint in a junction area that has an open side or the step of covering the open side of the junction area with a cover fitting. Bowen et al. also does not disclose joining ends of third and fourth raceways to a curved base member to form a second junction area with an open side and coupling the second cover fitting over the open side of the base and the second junction area where a portion of the second cover fitting engages the first ends of the third and fourth raceways as claimed. Accordingly, claim 22 is not anticipated by Bowen et al.

Claims 23, 26-29, 31 and 32 are also not anticipated by Bowen et al. for reciting additional features of the invention that are not disclosed or suggested in the art of record. For example, the art of record does not disclose joining the first and second raceways perpendicular to each other and the third and fourth raceways perpendicular to each other as

in claim 23, coupling the curved base with the second cover fitting as in claim 26, or coupling the curved base with the ends of the third and fourth raceways as in claim 27 in combination with the method steps of claim 22. The art of record also fails to disclose mounting the raceways to support surfaces and mounting the curved base to a second support surface between the ends of the third and fourth raceways as in claim 28, placing first wires in the first and second raceways as in claim 29, the first and second cover fittings being substantially identical as in claim 31, or the second and third raceways forming a continuous raceway as in claim 32, in combination with the method step of claim 22. Accordingly, claims 23, 26-29, 31 and 32 are allowable over the art of record.

#### **Rejections Under 35 U.S.C. § 103**

Claims 25 and 30 are rejected as being obvious over Bowen et al. under 35 U.S.C. § 103(a). The Action contends that the decorative inflated balloons of Bowen et al. are the equivalent of the second cover fitting which completely covers the curved base. However, the balloons of Bowen et al. do not engage the ends of the third and fourth raceways and do not cover the open side of the base as claimed. Bowen et al. also fails to disclose or suggest placing wires in the third and fourth raceways where the curved base defines a radius that is equal to or greater than the maximum bend radius of the wires as in claim 30, in combination with the steps of claim 22. Accordingly, claims 25 and 30 are not obvious over Bowen et al.

Claim 24 is rejected as being obvious over Bowen et al. in view of U.S. Patent No. 4,319,075 to Willette. Willette is cited for disclosing removing a metal shield from a cable.


Willette does not disclose a raceway or a cover for a raceway. Furthermore, Willette has no relation to Bowen et al. which discloses a decorative lighted tubular member. Therefore, Willette provides no motivation or incentive to modify the light member of Bowen et al. Furthermore, the combination of Bowen et al. and Willette removing a cover section of

the raceways prior to coupling the second cover fitting to the open junction area and base member as claimed. Therefore, claim 24 is not obvious over the combination of Bowen et al. and Willette.

New claims 34-41 are also allowable over the art of record. The art of record does not disclose or suggest the features recited in these claims in combination with the method steps of claim 22. Accordingly, these claims are submitted to be allowable over the art of record.

In view of these amendments and the above comments, reconsideration and allowance are requested.

Respectfully submitted,



Garrett V. Davis  
Reg. No. 32,023

Roylance, Abrams, Berdo & Goodman, L.L.P.  
1300 19<sup>th</sup> Street, N.W., Suite 600  
Washington, D.C. 20036  
(202) 659-9076

Dated: July 6, 2004